IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1 OF 2005

Narayan Guru Co. operative
Housing Society Limited Petitioner

versus

MCGB and others Respondents

Ms.A.H.Chheda i/by Ms.Priti Shah for petitioner.

Ms.A.K.Savla for respondents 1 to 3.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 14th March 2005

PC :

1. Heard Ms.Chheda in support of this petition. Ms.Savla appears for respondents.

2. Petitioner housing society is contending that the Municipal Corporation has not given it correct rate of construction for the tenements it offered to the Municipal Corporation. This is stated on the basis of the Circulars of Municipal Corporation particularly one of 4th May 1999. Ms.Savla, on the other hand, points out that thereafter the petitioners have received money

paid by the Municipal Corporation on 31st August 2001. In any case she submits that this is a claim for money and therefore appropriate remedy for petitioner will be to file a suit. According to us, the submission is well taken. This is essentially a claim for money and the proper course is to file a suit. Writ remedy is not the proper one. Although the petition is being dismissed, it will be open to the petitioners to file a suit, if they want to file and the submissions of the respondents including that of limitation will be available to them. Petition dismissed.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)